

August 8, 2022

JOINT STATUS LETTER

Honorable Anne Y. Shields
United States District Court, Eastern District of New York
100 Federal Plaza
Central Islip, NY 11722

In Re: Carl T. Semencic v The County of Nassau, et al
 18-CV-5244-GRB-AYS

Your Honor:

Please consider this correspondence the Joint Status Letter required as per your Scheduling Order dated June 21, 2022.

Please be advised that discovery in this matter is not yet complete. The reason for this is that in the interim since the last joint status report, plaintiff's counsel was actively engaged in preparation for the trial of, and participation in jury selection for, the matter of *Jose Quituisaca v BTU Delta Construction Corporation, et al*, Queens County Supreme Court Index # 704006/2018. The second day of jury selection in the *Quituisaca* matter was ongoing before Justice Maurice Muir of the Queens County Supreme Court in Long Island City as of Friday, August 5th, 2022, at 4:30 p.m., when the matter was unexpectedly resolved.

Plaintiff's counsel's obligations in preparing for trial and attending jury selection in the *Quituisaca* matter prevented him from completing the discovery outlined your Scheduling Order dated June 21, 2022, in a timely manner. Plaintiff's counsel humbly apologizes for his inability to comply with your last Scheduling Order.

Please be advised that significant fact discovery has been completed to date: plaintiff Carl Semencic has been deposed, as have co-defendants Robert McGrory and Kenneth Magnuson, as well as former co-defendants and current non-party witnesses Robert Fineo and Daniel Maloney.

The depositions taken to date indicate that additional testimony will be required from Daniel Maloney's former Fire Chief at the Franklin Square and Munson Fire Department (an individual identified as "John Saltzman") and also his former Fire Captain (an individual identified as "Joseph Gerratto"). These same depositions also indicate the need to take testimony from Nassau County Police Officers named "DiConza" and "McEvoy." Officers DiConza and McEvoy who have been identified as the officers who took two (2) different statements from Mr. Maloney on the night Mr. Semencic was arrested.

Hon. Anne Y. Shields
18-CV-5244-GRB-AYS
August 8, 2022
Page 2 of 2

Counsel for the parties are currently in the process of arranging dates for these witnesses and hope to have these depositions completed by no later than October 21, 2022.

In addition, the County Defendants have expressed an interest in deposing plaintiff's wife, Barbara Semencic. Mrs. Semencic is available to be deposed at a mutually agreeable date and time.

Lastly, plaintiff's counsel does not intend to conduct expert discovery herein.

Respectfully Submitted,

**LAW OFFICE OF
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